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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Application by New York)
Telephone Company (d/b/a Bell)
Atlantic – New York), Bell Atlantic)
Communications, Inc., NYNEX)
Long Distance Company, and Bell)
Atlantic Global Networks, Inc., for)
Authorization To Provide)
In-Region, InterLATA Services in)
New York)

CC Docket 99-295

COMMENTS OF NEXTLINK NEW YORK, INC.

NEXTLINK New York, Inc. ("NEXTLINK"), pursuant to the Commission's September 29, 1999 Public Notice in the above-captioned proceeding, hereby submits these comments on the Application by Bell Atlantic-New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York ("Application").¹ NEXTLINK builds and operates high capacity, fiber-optic and fixed wireless networks to provide local, long distance, data and enhanced telecommunications services.² NEXTLINK currently operates 26 facilities-based networks in 45 markets throughout 16 states. NEXTLINK began providing a full range of telecommunications services in New York in

¹ *Application by New York Telephone Company (d/b/a Bell Atlantic – New York), Bell Atlantic Communications, Inc., NYNEX Long Distance Company, and Bell Atlantic Global Networks, Inc. for Authorization To Provide In-Region, InterLATA Services in New York, CC Docket No. 99-295, Public Notice DA 99-2014 (rel. Sept. 29, 1999) ("Public Notice").*

² NEXTLINK is developing a national fiber and fixed wireless network to offer end-to-end voice and broad band data communications over ATM or IP and frame-relay managed facilities.

September 1998, and has been a participant in New York State proceeding both prior to and subsequent to entering the market.

As an initial matter, NEXTLINK applauds the efforts the New York Public Service Commission ("New York Commission") has undertaken to ensure that Bell Atlantic-New York ("Bell Atlantic") complies with the procompetitive and market opening mandates of the Act. The pro-competitive benchmarks established by the New York Commission have set the threshold that all future Section 271 applications must meet. Bell Atlantic's participation in an open, collaborative process that included independent third-party testing, numerous industry workshops, and staff solicitation and review of detailed public comments should be mirrored by other State commissions as they engage in the Section 271 proceedings.

I. BELL ATLANTIC IS COMPLYING WITH THOSE CHECKLIST ITEMS WITH WHICH NEXTLINK HAS EXPERIENCE

Based on its experience in the New York local exchange market,³ NEXTLINK now believes that Bell Atlantic has made sufficient progress to warrant approval of its application. Previously, NEXTLINK experienced difficulties with Bell Atlantic's ordering and service procedures that, in turn, caused NEXTLINK to oppose Bell Atlantic's application at the New York Commission.⁴ By and large, however, Bell Atlantic has since made strides towards correcting these problems and now has sufficient ordering procedures in place to give New York commercial customers a meaningful alternative to Bell Atlantic. From NEXTLINK's

³ NEXTLINK, of course, can comment on Bell Atlantic's performance only in those areas where NEXTLINK itself has experience. As a facilities-based provider, NEXTLINK has no experience ordering total service resale or the unbundled network element platform service from Bell Atlantic. Also, NEXTLINK has not utilized Bell Atlantic's EDI system.

⁴ See, e.g., Brief of NEXTLINK New York Inc., Regarding "Letter/Ruling Resolving Post-Technical Conference Issues and Setting Further Schedule" (Aug. 17, 1999); Affidavit of Scott Dusten in Response to Bell Atlantic's April 13, 1999 Affidavit (April 26, 1999).

perspective, the New York market is open, and it is possible for a competing carrier to enter and compete in the local market in New York.

II. NEXTLINK'S SUPPORT OF BELL ATLANTIC'S APPLICATION IS BASED, IN PART, UPON BELL ATLANTIC'S PROMISE TO IMPROVE ITS PROVISION OF SPECIAL ACCESS SERVICES

Bell Atlantic and NEXTLINK directly compete with each other for business customers. Many of these customers purchase dedicated special access or private line services such as T-1s from NEXTLINK. These services are completely substitutable, in the customer's view, for services provided through the purchase of unbundled network elements such as high capacity DS3 links, and because they are often far less expensive than Bell Atlantic's offerings, NEXTLINK's services are in high demand.

Bell Atlantic's record for meeting its firm order commitment ("FOC") dates for the provision of special access services to NEXTLINK has been unacceptable in the past and has impeded NEXTLINK's ability to compete in New York. Bell Atlantic recently, however, has agreed to work with NEXTLINK to improve its provision of special access services. Given Bell Atlantic's improved performance and its commitment to satisfy special access provisioning intervals and provide these services on a nondiscriminatory basis, NEXTLINK now supports Bell Atlantic's Application for Section 271 approval in New York.

III. CONCLUSION

For the foregoing reasons, the Commission should grant Bell Atlantic's Application.

Respectfully submitted,

NEXTLINK NEW YORK, INC.

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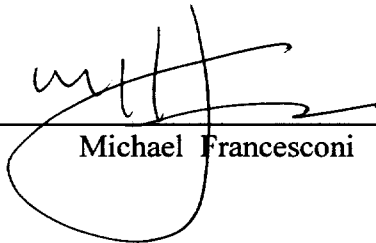
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